

May 27, 1992

DOGM
MINERALS PROGRAM
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To: Minerals File

From: Holland Shepherd, Senior Reclamation Specialist *HOS*

Re: Meeting Between DOGM and USFS Concerning Permitting of
Gardner Canyon Mine, M/023/015, Juab County, Utah

Date of Meeting: May 15, 1992

Time of Meeting: 10:00a-12:00n

Participants: Tom Tidwell, Mark Sensibaugh, USFS;
Dianne Neilsen, Lowell Braxton, Wayne
Hedberg, Holland Shepherd, DOGM

The purpose of this meeting was to discuss the status of the Gardner Canyon Mine and the future permitting needs of the site. The site presents a unique permitting situation, because of its location within a designated Wilderness Area and the Forest Service's apparent lack of regulatory jurisdiction over the site.

According to Forest Service officials, the Forest Service may have no regulatory or surface management jurisdiction over the site because of the operator's privately held mineral rights. The Forest Service does own the surface rights so can act as would a private land owner in permitting a mine operation. The only government entity to have regulatory jurisdiction over the site is the State of Utah, hence only of mining and reclamation rules would apply. The state must recognize the rights of the landowner (USFS) when developing a mine permit.

According to our discussions the MOU established between the Division and the USFS will not apply in this particular situation. The only jurisdiction the USFS will have on the mine operation will be the access road which does not fall within the boundaries of the original mine patent. The operator will have to obtain a special use permit from the USFS to use the road or any road.

The overall mine permit will be approved by the Division. The Forest Service will comment on the permit application from the position of the landowner. The Forest Service will make itself available to the Division for comment and consultation throughout the permitting period.

page 2
Gardner Canyon Meeting

Also, throughout the operational and reclamation phase of mining the Forest Service will inspect the site for compliance with state rules and the approved permit. They will report their findings to the Division.

The Draft EIS will be used as a means of determining the best route for establishing the mining access road. It will also be used to highlight the major environmental issues to be addressed in the Mining and Reclamation Plan.

The Division and USFS both agreed that before any further development at the site could take place, the operator would have to refile and bond as a Large Mine Operation. This decision was made because the operation is currently very close to the 5 acre limit.

Impacts that are of current concern involve: the water rights of downstream users, steep slope reclamation, and impacts to riparian vegetation along the Gardner Canyon access to the mine.

The next steps involve the Forest Service's review of our rules and permitting procedure. The Division will look at the Forest Service's file on the Gardner Canyon Mine. A future date should be scheduled to meet with Mark Sensibaugh to review the file. The Division may want to comment on the DEIS prior to the June 15, 1992 deadline.

The Division and Forest Service opted at this point not to draw up a separate written agreement (from the existing MOU) to address the permitting of the Gardner Canyon Mine.